



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3200

by Rep. Daniel J. Burke

SYNOPSIS AS INTRODUCED:

35 ILCS 145/3	from Ch. 120, par. 481b.33
55 ILCS 5/5-1030	from Ch. 34, par. 5-1030
65 ILCS 5/8-3-14	from Ch. 24, par. 8-3-14
65 ILCS 5/8-3-14a	
65 ILCS 5/11-74.3-6	
70 ILCS 210/13	from Ch. 85, par. 1233
70 ILCS 3205/19	from Ch. 85, par. 6019
70 ILCS 3210/105	

Amends the Hotel Operators' Occupation Tax Act, the Counties Code the Illinois Municipal Code, the Metropolitan Pier and Exposition Authority Act, the Illinois Sports Facilities Authority Act, and the Downstate Illinois Sports Facilities Authority Act. Provides that no tax is imposed under the Acts on the renting, leasing, or letting of hotel rooms to the American Red Cross for the provision or coordination of disaster relief services.

LRB098 10887 HLH 41405 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Hotel Operators' Occupation Tax Act is
5 amended by changing Section 3 as follows:

6 (35 ILCS 145/3) (from Ch. 120, par. 481b.33)

7 Sec. 3. Rate; exemptions ~~Exemption~~.

8 (a) A tax is imposed upon persons engaged in the business
9 of renting, leasing or letting rooms in a hotel at the rate of
10 5% of 94% of the gross rental receipts from such renting,
11 leasing or letting, excluding, however, from gross rental
12 receipts, the proceeds of such renting, leasing or letting to
13 permanent residents of that hotel and proceeds from the tax
14 imposed under subsection (c) of Section 13 of the Metropolitan
15 Pier and Exposition Authority Act.

16 (b) Commencing on the first day of the first month after
17 the month this amendatory Act of 1984 becomes law, there shall
18 be imposed an additional tax upon persons engaged in the
19 business of renting, leasing or letting rooms in a hotel at the
20 rate of 1% of 94% of the gross rental receipts from such
21 renting, leasing or letting, excluding, however, from gross
22 rental receipts, the proceeds of such renting, leasing or
23 letting to permanent residents of that hotel and proceeds from

1 the tax imposed under subsection (c) of Section 13 of the
2 Metropolitan Pier and Exposition Authority Act.

3 (c) No funds received pursuant to this Act shall be used to
4 advertise for or otherwise promote new competition in the hotel
5 business.

6 (d) However, such tax is not imposed upon the privilege of
7 engaging in any business in Interstate Commerce or otherwise,
8 which business may not, under the Constitution and Statutes of
9 the United States, be made the subject of taxation by this
10 State. In addition, the tax is not imposed upon gross rental
11 receipts for which the hotel operator is prohibited from
12 obtaining reimbursement for the tax from the customer by reason
13 of a federal treaty.

14 (e) Persons subject to the tax imposed by this Act may
15 reimburse themselves for their tax liability under this Act by
16 separately stating such tax as an additional charge, which
17 charge may be stated in combination, in a single amount, with
18 any tax imposed pursuant to Sections 8-3-13 and 8-3-14 of the
19 Illinois Municipal Code, and Section 25.05-10 of "An Act to
20 revise the law in relation to counties".

21 (f) If any hotel operator collects an amount (however
22 designated) which purports to reimburse such operator for hotel
23 operators' occupation tax liability measured by receipts which
24 are not subject to hotel operators' occupation tax, or if any
25 hotel operator, in collecting an amount (however designated)
26 which purports to reimburse such operator for hotel operators'

1 occupation tax liability measured by receipts which are subject
2 to tax under this Act, collects more from the customer than the
3 operators' hotel operators' occupation tax liability in the
4 transaction is, the customer shall have a legal right to claim
5 a refund of such amount from such operator. However, if such
6 amount is not refunded to the customer for any reason, the
7 hotel operator is liable to pay such amount to the Department.

8 (g) Notwithstanding any other provision of law, the tax is
9 not imposed on the renting, leasing, or letting of hotel rooms
10 to the American Red Cross for the provision or coordination of
11 disaster relief services.

12 (Source: P.A. 87-733.)

13 Section 10. The Counties Code is amended by changing
14 Section 5-1030 as follows:

15 (55 ILCS 5/5-1030) (from Ch. 34, par. 5-1030)

16 Sec. 5-1030. Hotel rooms, tax on gross rental receipts. The
17 corporate authorities of any county may by ordinance impose a
18 tax upon all persons engaged in such county in the business of
19 renting, leasing or letting rooms in a hotel which is not
20 located within a city, village, or incorporated town that
21 imposes a tax under Section 8-3-14 of the Illinois Municipal
22 Code, as defined in "The Hotel Operators' Occupation Tax Act",
23 at a rate not to exceed 5% of the gross rental receipts from
24 such renting, leasing or letting, excluding, however, from

1 gross rental receipts, the proceeds of such renting, leasing or
2 letting to permanent residents of that hotel, and may provide
3 for the administration and enforcement of the tax, and for the
4 collection thereof from the persons subject to the tax, as the
5 corporate authorities determine to be necessary or practicable
6 for the effective administration of the tax.

7 Persons subject to any tax imposed pursuant to authority
8 granted by this Section may reimburse themselves for their tax
9 liability for such tax by separately stating such tax as an
10 additional charge, which charge may be stated in combination,
11 in a single amount, with State tax imposed under "The Hotel
12 Operators' Occupation Tax Act".

13 Nothing in this Section shall be construed to authorize a
14 county to impose a tax upon the privilege of engaging in any
15 business which under the Constitution of the United States may
16 not be made the subject of taxation by this State.

17 An ordinance or resolution imposing a tax hereunder or
18 effecting a change in the rate thereof shall be effective on
19 the first day of the calendar month next following its passage
20 and required publication.

21 The amounts collected by any county pursuant to this
22 Section shall be expended to promote tourism; conventions;
23 expositions; theatrical, sports and cultural activities within
24 that county or otherwise to attract nonresident overnight
25 visitors to the county.

26 Any county may agree with any unit of local government,

1 including any authority defined as a metropolitan exposition,
2 auditorium and office building authority, fair and exposition
3 authority, exposition and auditorium authority, or civic
4 center authority created pursuant to provisions of Illinois law
5 and the territory of which unit of local government or
6 authority is co-extensive with or wholly within such county, to
7 impose and collect for a period not to exceed 40 years, any
8 portion or all of the tax authorized pursuant to this Section
9 and to transmit such tax so collected to such unit of local
10 government or authority. The amount so paid shall be expended
11 by any such unit of local government or authority for the
12 purposes for which such tax is authorized. Any such agreement
13 must be authorized by resolution or ordinance, as the case may
14 be, of such county and unit of local government or authority,
15 and such agreement may provide for the irrevocable imposition
16 and collection of said tax at such rate, or amount as limited
17 by a given rate, as may be agreed upon for the full period of
18 time set forth in such agreement; and such agreement may
19 further provide for any other terms as deemed necessary or
20 advisable by such county and such unit of local government or
21 authority. Any such agreement shall be binding and enforceable
22 by either party to such agreement. Such agreement entered into
23 pursuant to this Section shall not in any event constitute an
24 indebtedness of such county subject to any limitation imposed
25 by statute or otherwise.

26 Notwithstanding any other provision of law, the tax is not

1 imposed on the renting, leasing, or letting of hotel rooms to
2 the American Red Cross for the provision or coordination of
3 disaster relief services.

4 (Source: P.A. 86-962.)

5 Section 15. The Illinois Municipal Code is amended by
6 changing Sections 8-3-14, 8-3-14a, and 11-74.3-6 as follows:

7 (65 ILCS 5/8-3-14) (from Ch. 24, par. 8-3-14)

8 Sec. 8-3-14. Municipal hotel operators' occupation tax.
9 The corporate authorities of any municipality may impose a tax
10 upon all persons engaged in such municipality in the business
11 of renting, leasing or letting rooms in a hotel, as defined in
12 "The Hotel Operators' Occupation Tax Act," at a rate not to
13 exceed 6% in the City of East Peoria and in the Village of
14 Morton and 5% in all other municipalities of the gross rental
15 receipts from such renting, leasing or letting, excluding,
16 however, from gross rental receipts, the proceeds of such
17 renting, leasing or letting to permanent residents of that
18 hotel and proceeds from the tax imposed under subsection (c) of
19 Section 13 of the Metropolitan Pier and Exposition Authority
20 Act, and may provide for the administration and enforcement of
21 the tax, and for the collection thereof from the persons
22 subject to the tax, as the corporate authorities determine to
23 be necessary or practicable for the effective administration of
24 the tax. The municipality may not impose a tax under this

1 Section if it imposes a tax under Section 8-3-14a.

2 Persons subject to any tax imposed pursuant to authority
3 granted by this Section may reimburse themselves for their tax
4 liability for such tax by separately stating such tax as an
5 additional charge, which charge may be stated in combination,
6 in a single amount, with State tax imposed under "The Hotel
7 Operators' Occupation Tax Act".

8 Nothing in this Section shall be construed to authorize a
9 municipality to impose a tax upon the privilege of engaging in
10 any business which under the constitution of the United States
11 may not be made the subject of taxation by this State.

12 The amounts collected by any municipality pursuant to this
13 Section shall be expended by the municipality solely to promote
14 tourism and conventions within that municipality or otherwise
15 to attract nonresident overnight visitors to the municipality.

16 No funds received pursuant to this Section shall be used to
17 advertise for or otherwise promote new competition in the hotel
18 business.

19 Notwithstanding any other provision of law, the tax is not
20 imposed on the renting, leasing, or letting of hotel rooms to
21 the American Red Cross for the provision or coordination of
22 disaster relief services.

23 (Source: P.A. 95-967, eff. 9-23-08; 96-238, eff. 8-11-09.)

24 (65 ILCS 5/8-3-14a)

25 Sec. 8-3-14a. Municipal hotel use tax.

1 (a) The corporate authorities of any municipality may
2 impose a tax upon the privilege of renting or leasing rooms in
3 a hotel within the municipality at a rate not to exceed 5% of
4 the rental or lease payment. The corporate authorities may
5 provide for the administration and enforcement of the tax and
6 for the collection thereof from the persons subject to the tax,
7 as the corporate authorities determine to be necessary or
8 practical for the effective administration of the tax.

9 (b) Each hotel in the municipality shall collect the tax
10 from the person making the rental or lease payment at the time
11 that the payment is tendered to the hotel. The hotel shall, as
12 trustee, remit the tax to the municipality.

13 (c) The tax authorized under this Section does not apply to
14 any rental or lease payment by a permanent resident of that
15 hotel or to any payment made to any hotel that is subject to
16 the tax imposed under subsection (c) of Section 13 of the
17 Metropolitan Pier and Exposition Authority Act. A municipality
18 may not impose a tax under this Section if it imposes a tax
19 under Section 8-3-14. Nothing in this Section may be construed
20 to authorize a municipality to impose a tax upon the privilege
21 of engaging in any business that under the Constitution of the
22 United States may not be made the subject of taxation by this
23 State.

24 (c-5) Notwithstanding any other provision of law, the tax
25 is not imposed on the renting or leasing of hotel rooms by the
26 American Red Cross for the provision or coordination of

1 disaster relief services.

2 (d) The moneys collected by a municipality under this
3 Section may be expended solely to promote tourism and
4 conventions within that municipality or otherwise to attract
5 nonresident overnight visitors to the municipality. No moneys
6 received under this Section may be used to advertise for or
7 otherwise promote new competition in the hotel business.

8 (e) As used in this Section, "hotel" has the meaning set
9 forth in Section 2 of the Hotel Operators' Occupation Tax Act.

10 (Source: P.A. 96-238, eff. 8-11-09.)

11 (65 ILCS 5/11-74.3-6)

12 Sec. 11-74.3-6. Business district revenue and obligations;
13 business district tax allocation fund.

14 (a) If the corporate authorities of a municipality have
15 approved a business district plan, have designated a business
16 district, and have elected to impose a tax by ordinance
17 pursuant to subsection (10) or (11) of Section 11-74.3-3, then
18 each year after the date of the approval of the ordinance but
19 terminating upon the date all business district project costs
20 and all obligations paying or reimbursing business district
21 project costs, if any, have been paid, but in no event later
22 than the dissolution date, all amounts generated by the
23 retailers' occupation tax and service occupation tax shall be
24 collected and the tax shall be enforced by the Department of
25 Revenue in the same manner as all retailers' occupation taxes

1 and service occupation taxes imposed in the municipality
2 imposing the tax and all amounts generated by the hotel
3 operators' occupation tax shall be collected and the tax shall
4 be enforced by the municipality in the same manner as all hotel
5 operators' occupation taxes imposed in the municipality
6 imposing the tax. The corporate authorities of the municipality
7 shall deposit the proceeds of the taxes imposed under
8 subsections (10) and (11) of Section 11-74.3-3 into a special
9 fund of the municipality called the "[Name of] Business
10 District Tax Allocation Fund" for the purpose of paying or
11 reimbursing business district project costs and obligations
12 incurred in the payment of those costs.

13 (b) The corporate authorities of a municipality that has
14 designated a business district under this Law may, by
15 ordinance, impose a Business District Retailers' Occupation
16 Tax upon all persons engaged in the business of selling
17 tangible personal property, other than an item of tangible
18 personal property titled or registered with an agency of this
19 State's government, at retail in the business district at a
20 rate not to exceed 1% of the gross receipts from the sales made
21 in the course of such business, to be imposed only in 0.25%
22 increments. The tax may not be imposed on food for human
23 consumption that is to be consumed off the premises where it is
24 sold (other than alcoholic beverages, soft drinks, and food
25 that has been prepared for immediate consumption),
26 prescription and nonprescription medicines, drugs, medical

1 appliances, modifications to a motor vehicle for the purpose of
2 rendering it usable by a disabled person, and insulin, urine
3 testing materials, syringes, and needles used by diabetics, for
4 human use.

5 The tax imposed under this subsection and all civil
6 penalties that may be assessed as an incident thereof shall be
7 collected and enforced by the Department of Revenue. The
8 certificate of registration that is issued by the Department to
9 a retailer under the Retailers' Occupation Tax Act shall permit
10 the retailer to engage in a business that is taxable under any
11 ordinance or resolution enacted pursuant to this subsection
12 without registering separately with the Department under such
13 ordinance or resolution or under this subsection. The
14 Department of Revenue shall have full power to administer and
15 enforce this subsection; to collect all taxes and penalties due
16 under this subsection in the manner hereinafter provided; and
17 to determine all rights to credit memoranda arising on account
18 of the erroneous payment of tax or penalty under this
19 subsection. In the administration of, and compliance with, this
20 subsection, the Department and persons who are subject to this
21 subsection shall have the same rights, remedies, privileges,
22 immunities, powers and duties, and be subject to the same
23 conditions, restrictions, limitations, penalties, exclusions,
24 exemptions, and definitions of terms and employ the same modes
25 of procedure, as are prescribed in Sections 1, 1a through 1o, 2
26 through 2-65 (in respect to all provisions therein other than

1 the State rate of tax), 2c through 2h, 3 (except as to the
2 disposition of taxes and penalties collected), 4, 5, 5a, 5c,
3 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11,
4 12, 13, and 14 of the Retailers' Occupation Tax Act and all
5 provisions of the Uniform Penalty and Interest Act, as fully as
6 if those provisions were set forth herein.

7 Persons subject to any tax imposed under this subsection
8 may reimburse themselves for their seller's tax liability under
9 this subsection by separately stating the tax as an additional
10 charge, which charge may be stated in combination, in a single
11 amount, with State taxes that sellers are required to collect
12 under the Use Tax Act, in accordance with such bracket
13 schedules as the Department may prescribe.

14 Whenever the Department determines that a refund should be
15 made under this subsection to a claimant instead of issuing a
16 credit memorandum, the Department shall notify the State
17 Comptroller, who shall cause the order to be drawn for the
18 amount specified and to the person named in the notification
19 from the Department. The refund shall be paid by the State
20 Treasurer out of the business district retailers' occupation
21 tax fund.

22 The Department shall immediately pay over to the State
23 Treasurer, ex officio, as trustee, all taxes, penalties, and
24 interest collected under this subsection for deposit into the
25 business district retailers' occupation tax fund.

26 As soon as possible after the first day of each month,

1 beginning January 1, 2011, upon certification of the Department
2 of Revenue, the Comptroller shall order transferred, and the
3 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
4 local sales tax increment, as defined in the Innovation
5 Development and Economy Act, collected under this subsection
6 during the second preceding calendar month for sales within a
7 STAR bond district.

8 After the monthly transfer to the STAR Bonds Revenue Fund,
9 on or before the 25th day of each calendar month, the
10 Department shall prepare and certify to the Comptroller the
11 disbursement of stated sums of money to named municipalities
12 from the business district retailers' occupation tax fund, the
13 municipalities to be those from which retailers have paid taxes
14 or penalties under this subsection to the Department during the
15 second preceding calendar month. The amount to be paid to each
16 municipality shall be the amount (not including credit
17 memoranda) collected under this subsection during the second
18 preceding calendar month by the Department plus an amount the
19 Department determines is necessary to offset any amounts that
20 were erroneously paid to a different taxing body, and not
21 including an amount equal to the amount of refunds made during
22 the second preceding calendar month by the Department, less 2%
23 of that amount, which shall be deposited into the Tax
24 Compliance and Administration Fund and shall be used by the
25 Department, subject to appropriation, to cover the costs of the
26 Department in administering and enforcing the provisions of

1 this subsection, on behalf of such municipality, and not
2 including any amount that the Department determines is
3 necessary to offset any amounts that were payable to a
4 different taxing body but were erroneously paid to the
5 municipality, and not including any amounts that are
6 transferred to the STAR Bonds Revenue Fund. Within 10 days
7 after receipt by the Comptroller of the disbursement
8 certification to the municipalities provided for in this
9 subsection to be given to the Comptroller by the Department,
10 the Comptroller shall cause the orders to be drawn for the
11 respective amounts in accordance with the directions contained
12 in the certification. The proceeds of the tax paid to
13 municipalities under this subsection shall be deposited into
14 the Business District Tax Allocation Fund by the municipality.

15 An ordinance imposing or discontinuing the tax under this
16 subsection or effecting a change in the rate thereof shall
17 either (i) be adopted and a certified copy thereof filed with
18 the Department on or before the first day of April, whereupon
19 the Department, if all other requirements of this subsection
20 are met, shall proceed to administer and enforce this
21 subsection as of the first day of July next following the
22 adoption and filing; or (ii) be adopted and a certified copy
23 thereof filed with the Department on or before the first day of
24 October, whereupon, if all other requirements of this
25 subsection are met, the Department shall proceed to administer
26 and enforce this subsection as of the first day of January next

1 following the adoption and filing.

2 The Department of Revenue shall not administer or enforce
3 an ordinance imposing, discontinuing, or changing the rate of
4 the tax under this subsection, until the municipality also
5 provides, in the manner prescribed by the Department, the
6 boundaries of the business district and each address in the
7 business district in such a way that the Department can
8 determine by its address whether a business is located in the
9 business district. The municipality must provide this boundary
10 and address information to the Department on or before April 1
11 for administration and enforcement of the tax under this
12 subsection by the Department beginning on the following July 1
13 and on or before October 1 for administration and enforcement
14 of the tax under this subsection by the Department beginning on
15 the following January 1. The Department of Revenue shall not
16 administer or enforce any change made to the boundaries of a
17 business district or address change, addition, or deletion
18 until the municipality reports the boundary change or address
19 change, addition, or deletion to the Department in the manner
20 prescribed by the Department. The municipality must provide
21 this boundary change information or address change, addition,
22 or deletion to the Department on or before April 1 for
23 administration and enforcement by the Department of the change
24 beginning on the following July 1 and on or before October 1
25 for administration and enforcement by the Department of the
26 change beginning on the following January 1. The retailers in

1 the business district shall be responsible for charging the tax
2 imposed under this subsection. If a retailer is incorrectly
3 included or excluded from the list of those required to collect
4 the tax under this subsection, both the Department of Revenue
5 and the retailer shall be held harmless if they reasonably
6 relied on information provided by the municipality.

7 A municipality that imposes the tax under this subsection
8 must submit to the Department of Revenue any other information
9 as the Department may require for the administration and
10 enforcement of the tax.

11 When certifying the amount of a monthly disbursement to a
12 municipality under this subsection, the Department shall
13 increase or decrease the amount by an amount necessary to
14 offset any misallocation of previous disbursements. The offset
15 amount shall be the amount erroneously disbursed within the
16 previous 6 months from the time a misallocation is discovered.

17 Nothing in this subsection shall be construed to authorize
18 the municipality to impose a tax upon the privilege of engaging
19 in any business which under the Constitution of the United
20 States may not be made the subject of taxation by this State.

21 If a tax is imposed under this subsection (b), a tax shall
22 also be imposed under subsection (c) of this Section.

23 (c) If a tax has been imposed under subsection (b), a
24 Business District Service Occupation Tax shall also be imposed
25 upon all persons engaged, in the business district, in the
26 business of making sales of service, who, as an incident to

1 making those sales of service, transfer tangible personal
2 property within the business district, either in the form of
3 tangible personal property or in the form of real estate as an
4 incident to a sale of service. The tax shall be imposed at the
5 same rate as the tax imposed in subsection (b) and shall not
6 exceed 1% of the selling price of tangible personal property so
7 transferred within the business district, to be imposed only in
8 0.25% increments. The tax may not be imposed on food for human
9 consumption that is to be consumed off the premises where it is
10 sold (other than alcoholic beverages, soft drinks, and food
11 that has been prepared for immediate consumption),
12 prescription and nonprescription medicines, drugs, medical
13 appliances, modifications to a motor vehicle for the purpose of
14 rendering it usable by a disabled person, and insulin, urine
15 testing materials, syringes, and needles used by diabetics, for
16 human use.

17 The tax imposed under this subsection and all civil
18 penalties that may be assessed as an incident thereof shall be
19 collected and enforced by the Department of Revenue. The
20 certificate of registration which is issued by the Department
21 to a retailer under the Retailers' Occupation Tax Act or under
22 the Service Occupation Tax Act shall permit such registrant to
23 engage in a business which is taxable under any ordinance or
24 resolution enacted pursuant to this subsection without
25 registering separately with the Department under such
26 ordinance or resolution or under this subsection. The

1 Department of Revenue shall have full power to administer and
2 enforce this subsection; to collect all taxes and penalties due
3 under this subsection; to dispose of taxes and penalties so
4 collected in the manner hereinafter provided; and to determine
5 all rights to credit memoranda arising on account of the
6 erroneous payment of tax or penalty under this subsection. In
7 the administration of, and compliance with this subsection, the
8 Department and persons who are subject to this subsection shall
9 have the same rights, remedies, privileges, immunities, powers
10 and duties, and be subject to the same conditions,
11 restrictions, limitations, penalties, exclusions, exemptions,
12 and definitions of terms and employ the same modes of procedure
13 as are prescribed in Sections 2, 2a through 2d, 3 through 3-50
14 (in respect to all provisions therein other than the State rate
15 of tax), 4 (except that the reference to the State shall be to
16 the business district), 5, 7, 8 (except that the jurisdiction
17 to which the tax shall be a debt to the extent indicated in
18 that Section 8 shall be the municipality), 9 (except as to the
19 disposition of taxes and penalties collected, and except that
20 the returned merchandise credit for this tax may not be taken
21 against any State tax), 10, 11, 12 (except the reference
22 therein to Section 2b of the Retailers' Occupation Tax Act), 13
23 (except that any reference to the State shall mean the
24 municipality), the first paragraph of Section 15, and Sections
25 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and all
26 provisions of the Uniform Penalty and Interest Act, as fully as

1 if those provisions were set forth herein.

2 Persons subject to any tax imposed under the authority
3 granted in this subsection may reimburse themselves for their
4 serviceman's tax liability hereunder by separately stating the
5 tax as an additional charge, which charge may be stated in
6 combination, in a single amount, with State tax that servicemen
7 are authorized to collect under the Service Use Tax Act, in
8 accordance with such bracket schedules as the Department may
9 prescribe.

10 Whenever the Department determines that a refund should be
11 made under this subsection to a claimant instead of issuing
12 credit memorandum, the Department shall notify the State
13 Comptroller, who shall cause the order to be drawn for the
14 amount specified, and to the person named, in such notification
15 from the Department. Such refund shall be paid by the State
16 Treasurer out of the business district retailers' occupation
17 tax fund.

18 The Department shall forthwith pay over to the State
19 Treasurer, ex-officio, as trustee, all taxes, penalties, and
20 interest collected under this subsection for deposit into the
21 business district retailers' occupation tax fund.

22 As soon as possible after the first day of each month,
23 beginning January 1, 2011, upon certification of the Department
24 of Revenue, the Comptroller shall order transferred, and the
25 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
26 local sales tax increment, as defined in the Innovation

1 Development and Economy Act, collected under this subsection
2 during the second preceding calendar month for sales within a
3 STAR bond district.

4 After the monthly transfer to the STAR Bonds Revenue Fund,
5 on or before the 25th day of each calendar month, the
6 Department shall prepare and certify to the Comptroller the
7 disbursement of stated sums of money to named municipalities
8 from the business district retailers' occupation tax fund, the
9 municipalities to be those from which suppliers and servicemen
10 have paid taxes or penalties under this subsection to the
11 Department during the second preceding calendar month. The
12 amount to be paid to each municipality shall be the amount (not
13 including credit memoranda) collected under this subsection
14 during the second preceding calendar month by the Department,
15 less 2% of that amount, which shall be deposited into the Tax
16 Compliance and Administration Fund and shall be used by the
17 Department, subject to appropriation, to cover the costs of the
18 Department in administering and enforcing the provisions of
19 this subsection, and not including an amount equal to the
20 amount of refunds made during the second preceding calendar
21 month by the Department on behalf of such municipality, and not
22 including any amounts that are transferred to the STAR Bonds
23 Revenue Fund. Within 10 days after receipt, by the Comptroller,
24 of the disbursement certification to the municipalities,
25 provided for in this subsection to be given to the Comptroller
26 by the Department, the Comptroller shall cause the orders to be

1 drawn for the respective amounts in accordance with the
2 directions contained in such certification. The proceeds of the
3 tax paid to municipalities under this subsection shall be
4 deposited into the Business District Tax Allocation Fund by the
5 municipality.

6 An ordinance imposing or discontinuing the tax under this
7 subsection or effecting a change in the rate thereof shall
8 either (i) be adopted and a certified copy thereof filed with
9 the Department on or before the first day of April, whereupon
10 the Department, if all other requirements of this subsection
11 are met, shall proceed to administer and enforce this
12 subsection as of the first day of July next following the
13 adoption and filing; or (ii) be adopted and a certified copy
14 thereof filed with the Department on or before the first day of
15 October, whereupon, if all other conditions of this subsection
16 are met, the Department shall proceed to administer and enforce
17 this subsection as of the first day of January next following
18 the adoption and filing.

19 The Department of Revenue shall not administer or enforce
20 an ordinance imposing, discontinuing, or changing the rate of
21 the tax under this subsection, until the municipality also
22 provides, in the manner prescribed by the Department, the
23 boundaries of the business district in such a way that the
24 Department can determine by its address whether a business is
25 located in the business district. The municipality must provide
26 this boundary and address information to the Department on or

1 before April 1 for administration and enforcement of the tax
2 under this subsection by the Department beginning on the
3 following July 1 and on or before October 1 for administration
4 and enforcement of the tax under this subsection by the
5 Department beginning on the following January 1. The Department
6 of Revenue shall not administer or enforce any change made to
7 the boundaries of a business district or address change,
8 addition, or deletion until the municipality reports the
9 boundary change or address change, addition, or deletion to the
10 Department in the manner prescribed by the Department. The
11 municipality must provide this boundary change information or
12 address change, addition, or deletion to the Department on or
13 before April 1 for administration and enforcement by the
14 Department of the change beginning on the following July 1 and
15 on or before October 1 for administration and enforcement by
16 the Department of the change beginning on the following January
17 1. The retailers in the business district shall be responsible
18 for charging the tax imposed under this subsection. If a
19 retailer is incorrectly included or excluded from the list of
20 those required to collect the tax under this subsection, both
21 the Department of Revenue and the retailer shall be held
22 harmless if they reasonably relied on information provided by
23 the municipality.

24 A municipality that imposes the tax under this subsection
25 must submit to the Department of Revenue any other information
26 as the Department may require for the administration and

1 enforcement of the tax.

2 Nothing in this subsection shall be construed to authorize
3 the municipality to impose a tax upon the privilege of engaging
4 in any business which under the Constitution of the United
5 States may not be made the subject of taxation by the State.

6 If a tax is imposed under this subsection (c), a tax shall
7 also be imposed under subsection (b) of this Section.

8 (d) By ordinance, a municipality that has designated a
9 business district under this Law may impose an occupation tax
10 upon all persons engaged in the business district in the
11 business of renting, leasing, or letting rooms in a hotel, as
12 defined in the Hotel Operators' Occupation Tax Act, at a rate
13 not to exceed 1% of the gross rental receipts from the renting,
14 leasing, or letting of hotel rooms within the business
15 district, to be imposed only in 0.25% increments, excluding,
16 however, from gross rental receipts the proceeds of renting,
17 leasing, or letting to permanent residents of a hotel, as
18 defined in the Hotel Operators' Occupation Tax Act, and
19 proceeds from the tax imposed under subsection (c) of Section
20 13 of the Metropolitan Pier and Exposition Authority Act.

21 The tax imposed by the municipality under this subsection
22 and all civil penalties that may be assessed as an incident to
23 that tax shall be collected and enforced by the municipality
24 imposing the tax. The municipality shall have full power to
25 administer and enforce this subsection, to collect all taxes
26 and penalties due under this subsection, to dispose of taxes

1 and penalties so collected in the manner provided in this
2 subsection, and to determine all rights to credit memoranda
3 arising on account of the erroneous payment of tax or penalty
4 under this subsection. In the administration of and compliance
5 with this subsection, the municipality and persons who are
6 subject to this subsection shall have the same rights,
7 remedies, privileges, immunities, powers, and duties, shall be
8 subject to the same conditions, restrictions, limitations,
9 penalties, and definitions of terms, and shall employ the same
10 modes of procedure as are employed with respect to a tax
11 adopted by the municipality under Section 8-3-14 of this Code.

12 Persons subject to any tax imposed under the authority
13 granted in this subsection may reimburse themselves for their
14 tax liability for that tax by separately stating that tax as an
15 additional charge, which charge may be stated in combination,
16 in a single amount, with State taxes imposed under the Hotel
17 Operators' Occupation Tax Act, and with any other tax.

18 Nothing in this subsection shall be construed to authorize
19 a municipality to impose a tax upon the privilege of engaging
20 in any business which under the Constitution of the United
21 States may not be made the subject of taxation by this State.

22 The proceeds of the tax imposed under this subsection shall
23 be deposited into the Business District Tax Allocation Fund.

24 Notwithstanding any other provision of law, the tax under
25 this subsection (d) is not imposed on the renting or leasing of
26 hotel rooms by the American Red Cross for the provision or

1 coordination of disaster relief services.

2 (e) Obligations secured by the Business District Tax
3 Allocation Fund may be issued to provide for the payment or
4 reimbursement of business district project costs. Those
5 obligations, when so issued, shall be retired in the manner
6 provided in the ordinance authorizing the issuance of those
7 obligations by the receipts of taxes imposed pursuant to
8 subsections (10) and (11) of Section 11-74.3-3 and by other
9 revenue designated or pledged by the municipality. A
10 municipality may in the ordinance pledge, for any period of
11 time up to and including the dissolution date, all or any part
12 of the funds in and to be deposited in the Business District
13 Tax Allocation Fund to the payment of business district project
14 costs and obligations. Whenever a municipality pledges all of
15 the funds to the credit of a business district tax allocation
16 fund to secure obligations issued or to be issued to pay or
17 reimburse business district project costs, the municipality
18 may specifically provide that funds remaining to the credit of
19 such business district tax allocation fund after the payment of
20 such obligations shall be accounted for annually and shall be
21 deemed to be "surplus" funds, and such "surplus" funds shall be
22 expended by the municipality for any business district project
23 cost as approved in the business district plan. Whenever a
24 municipality pledges less than all of the monies to the credit
25 of a business district tax allocation fund to secure
26 obligations issued or to be issued to pay or reimburse business

1 district project costs, the municipality shall provide that
2 monies to the credit of the business district tax allocation
3 fund and not subject to such pledge or otherwise encumbered or
4 required for payment of contractual obligations for specific
5 business district project costs shall be calculated annually
6 and shall be deemed to be "surplus" funds, and such "surplus"
7 funds shall be expended by the municipality for any business
8 district project cost as approved in the business district
9 plan.

10 No obligation issued pursuant to this Law and secured by a
11 pledge of all or any portion of any revenues received or to be
12 received by the municipality from the imposition of taxes
13 pursuant to subsection (10) of Section 11-74.3-3, shall be
14 deemed to constitute an economic incentive agreement under
15 Section 8-11-20, notwithstanding the fact that such pledge
16 provides for the sharing, rebate, or payment of retailers'
17 occupation taxes or service occupation taxes imposed pursuant
18 to subsection (10) of Section 11-74.3-3 and received or to be
19 received by the municipality from the development or
20 redevelopment of properties in the business district.

21 Without limiting the foregoing in this Section, the
22 municipality may further secure obligations secured by the
23 business district tax allocation fund with a pledge, for a
24 period not greater than the term of the obligations and in any
25 case not longer than the dissolution date, of any part or any
26 combination of the following: (i) net revenues of all or part

1 of any business district project; (ii) taxes levied or imposed
2 by the municipality on any or all property in the municipality,
3 including, specifically, taxes levied or imposed by the
4 municipality in a special service area pursuant to the Special
5 Service Area Tax Law; (iii) the full faith and credit of the
6 municipality; (iv) a mortgage on part or all of the business
7 district project; or (v) any other taxes or anticipated
8 receipts that the municipality may lawfully pledge.

9 Such obligations may be issued in one or more series, bear
10 such date or dates, become due at such time or times as therein
11 provided, but in any case not later than (i) 20 years after the
12 date of issue or (ii) the dissolution date, whichever is
13 earlier, bear interest payable at such intervals and at such
14 rate or rates as set forth therein, except as may be limited by
15 applicable law, which rate or rates may be fixed or variable,
16 be in such denominations, be in such form, either coupon,
17 registered, or book-entry, carry such conversion, registration
18 and exchange privileges, be subject to defeasance upon such
19 terms, have such rank or priority, be executed in such manner,
20 be payable in such medium or payment at such place or places
21 within or without the State, make provision for a corporate
22 trustee within or without the State with respect to such
23 obligations, prescribe the rights, powers, and duties thereof
24 to be exercised for the benefit of the municipality and the
25 benefit of the owners of such obligations, provide for the
26 holding in trust, investment, and use of moneys, funds, and

1 accounts held under an ordinance, provide for assignment of and
2 direct payment of the moneys to pay such obligations or to be
3 deposited into such funds or accounts directly to such trustee,
4 be subject to such terms of redemption with or without premium,
5 and be sold at such price, all as the corporate authorities
6 shall determine. No referendum approval of the electors shall
7 be required as a condition to the issuance of obligations
8 pursuant to this Law except as provided in this Section.

9 In the event the municipality authorizes the issuance of
10 obligations pursuant to the authority of this Law secured by
11 the full faith and credit of the municipality, or pledges ad
12 valorem taxes pursuant to this subsection, which obligations
13 are other than obligations which may be issued under home rule
14 powers provided by Section 6 of Article VII of the Illinois
15 Constitution or which ad valorem taxes are other than ad
16 valorem taxes which may be pledged under home rule powers
17 provided by Section 6 of Article VII of the Illinois
18 Constitution or which are levied in a special service area
19 pursuant to the Special Service Area Tax Law, the ordinance
20 authorizing the issuance of those obligations or pledging those
21 taxes shall be published within 10 days after the ordinance has
22 been adopted, in a newspaper having a general circulation
23 within the municipality. The publication of the ordinance shall
24 be accompanied by a notice of (i) the specific number of voters
25 required to sign a petition requesting the question of the
26 issuance of the obligations or pledging such ad valorem taxes

1 to be submitted to the electors; (ii) the time within which the
2 petition must be filed; and (iii) the date of the prospective
3 referendum. The municipal clerk shall provide a petition form
4 to any individual requesting one.

5 If no petition is filed with the municipal clerk, as
6 hereinafter provided in this Section, within 21 days after the
7 publication of the ordinance, the ordinance shall be in effect.
8 However, if within that 21-day period a petition is filed with
9 the municipal clerk, signed by electors numbering not less than
10 15% of the number of electors voting for the mayor or president
11 at the last general municipal election, asking that the
12 question of issuing obligations using full faith and credit of
13 the municipality as security for the cost of paying or
14 reimbursing business district project costs, or of pledging
15 such ad valorem taxes for the payment of those obligations, or
16 both, be submitted to the electors of the municipality, the
17 municipality shall not be authorized to issue obligations of
18 the municipality using the full faith and credit of the
19 municipality as security or pledging such ad valorem taxes for
20 the payment of those obligations, or both, until the
21 proposition has been submitted to and approved by a majority of
22 the voters voting on the proposition at a regularly scheduled
23 election. The municipality shall certify the proposition to the
24 proper election authorities for submission in accordance with
25 the general election law.

26 The ordinance authorizing the obligations may provide that

1 the obligations shall contain a recital that they are issued
2 pursuant to this Law, which recital shall be conclusive
3 evidence of their validity and of the regularity of their
4 issuance.

5 In the event the municipality authorizes issuance of
6 obligations pursuant to this Law secured by the full faith and
7 credit of the municipality, the ordinance authorizing the
8 obligations may provide for the levy and collection of a direct
9 annual tax upon all taxable property within the municipality
10 sufficient to pay the principal thereof and interest thereon as
11 it matures, which levy may be in addition to and exclusive of
12 the maximum of all other taxes authorized to be levied by the
13 municipality, which levy, however, shall be abated to the
14 extent that monies from other sources are available for payment
15 of the obligations and the municipality certifies the amount of
16 those monies available to the county clerk.

17 A certified copy of the ordinance shall be filed with the
18 county clerk of each county in which any portion of the
19 municipality is situated, and shall constitute the authority
20 for the extension and collection of the taxes to be deposited
21 in the business district tax allocation fund.

22 A municipality may also issue its obligations to refund, in
23 whole or in part, obligations theretofore issued by the
24 municipality under the authority of this Law, whether at or
25 prior to maturity. However, the last maturity of the refunding
26 obligations shall not be expressed to mature later than the

1 dissolution date.

2 In the event a municipality issues obligations under home
3 rule powers or other legislative authority, the proceeds of
4 which are pledged to pay or reimburse business district project
5 costs, the municipality may, if it has followed the procedures
6 in conformance with this Law, retire those obligations from
7 funds in the business district tax allocation fund in amounts
8 and in such manner as if those obligations had been issued
9 pursuant to the provisions of this Law.

10 No obligations issued pursuant to this Law shall be
11 regarded as indebtedness of the municipality issuing those
12 obligations or any other taxing district for the purpose of any
13 limitation imposed by law.

14 Obligations issued pursuant to this Law shall not be
15 subject to the provisions of the Bond Authorization Act.

16 (f) When business district project costs, including,
17 without limitation, all obligations paying or reimbursing
18 business district project costs have been paid, any surplus
19 funds then remaining in the Business District Tax Allocation
20 Fund shall be distributed to the municipal treasurer for
21 deposit into the general corporate fund of the municipality.
22 Upon payment of all business district project costs and
23 retirement of all obligations paying or reimbursing business
24 district project costs, but in no event more than 23 years
25 after the date of adoption of the ordinance imposing taxes
26 pursuant to subsection (10) or (11) of Section 11-74.3-3, the

1 municipality shall adopt an ordinance immediately rescinding
2 the taxes imposed pursuant to subsection (10) or (11) of
3 Section 11-74.3-3.

4 (Source: P.A. 96-939, eff. 6-24-10; 96-1394, eff. 7-29-10;
5 96-1555, eff. 3-18-11; 97-333, eff. 8-12-11.)

6 Section 20. The Metropolitan Pier and Exposition Authority
7 Act is amended by changing Section 13 as follows:

8 (70 ILCS 210/13) (from Ch. 85, par. 1233)

9 Sec. 13. (a) The Authority shall not have power to levy
10 taxes for any purpose, except as provided in subsections (b),
11 (c), (d), (e), and (f).

12 (b) By ordinance the Authority shall, as soon as
13 practicable after the effective date of this amendatory Act of
14 1991, impose a Metropolitan Pier and Exposition Authority
15 Retailers' Occupation Tax upon all persons engaged in the
16 business of selling tangible personal property at retail within
17 the territory described in this subsection at the rate of 1.0%
18 of the gross receipts (i) from the sale of food, alcoholic
19 beverages, and soft drinks sold for consumption on the premises
20 where sold and (ii) from the sale of food, alcoholic beverages,
21 and soft drinks sold for consumption off the premises where
22 sold by a retailer whose principal source of gross receipts is
23 from the sale of food, alcoholic beverages, and soft drinks
24 prepared for immediate consumption.

1 The tax imposed under this subsection and all civil
2 penalties that may be assessed as an incident to that tax shall
3 be collected and enforced by the Illinois Department of
4 Revenue. The Department shall have full power to administer and
5 enforce this subsection, to collect all taxes and penalties so
6 collected in the manner provided in this subsection, and to
7 determine all rights to credit memoranda arising on account of
8 the erroneous payment of tax or penalty under this subsection.
9 In the administration of and compliance with this subsection,
10 the Department and persons who are subject to this subsection
11 shall have the same rights, remedies, privileges, immunities,
12 powers, and duties, shall be subject to the same conditions,
13 restrictions, limitations, penalties, exclusions, exemptions,
14 and definitions of terms, and shall employ the same modes of
15 procedure applicable to this Retailers' Occupation Tax as are
16 prescribed in Sections 1, 2 through 2-65 (in respect to all
17 provisions of those Sections other than the State rate of
18 taxes), 2c, 2h, 2i, 3 (except as to the disposition of taxes
19 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i,
20 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, ~~and~~ and until
21 January 1, 1994, 13.5 of the Retailers' Occupation Tax Act,
22 and, on and after January 1, 1994, all applicable provisions of
23 the Uniform Penalty and Interest Act that are not inconsistent
24 with this Act, as fully as if provisions contained in those
25 Sections of the Retailers' Occupation Tax Act were set forth in
26 this subsection.

1 Persons subject to any tax imposed under the authority
2 granted in this subsection may reimburse themselves for their
3 seller's tax liability under this subsection by separately
4 stating that tax as an additional charge, which charge may be
5 stated in combination, in a single amount, with State taxes
6 that sellers are required to collect under the Use Tax Act,
7 pursuant to bracket schedules as the Department may prescribe.
8 The retailer filing the return shall, at the time of filing the
9 return, pay to the Department the amount of tax imposed under
10 this subsection, less a discount of 1.75%, which is allowed to
11 reimburse the retailer for the expenses incurred in keeping
12 records, preparing and filing returns, remitting the tax, and
13 supplying data to the Department on request.

14 Whenever the Department determines that a refund should be
15 made under this subsection to a claimant instead of issuing a
16 credit memorandum, the Department shall notify the State
17 Comptroller, who shall cause a warrant to be drawn for the
18 amount specified and to the person named in the notification
19 from the Department. The refund shall be paid by the State
20 Treasurer out of the Metropolitan Pier and Exposition Authority
21 trust fund held by the State Treasurer as trustee for the
22 Authority.

23 Nothing in this subsection authorizes the Authority to
24 impose a tax upon the privilege of engaging in any business
25 that under the Constitution of the United States may not be
26 made the subject of taxation by this State.

1 The Department shall forthwith pay over to the State
2 Treasurer, ex officio, as trustee for the Authority, all taxes
3 and penalties collected under this subsection for deposit into
4 a trust fund held outside of the State Treasury.

5 As soon as possible after the first day of each month,
6 beginning January 1, 2011, upon certification of the Department
7 of Revenue, the Comptroller shall order transferred, and the
8 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
9 local sales tax increment, as defined in the Innovation
10 Development and Economy Act, collected under this subsection
11 during the second preceding calendar month for sales within a
12 STAR bond district.

13 After the monthly transfer to the STAR Bonds Revenue Fund,
14 on or before the 25th day of each calendar month, the
15 Department shall prepare and certify to the Comptroller the
16 amounts to be paid under subsection (g) of this Section, which
17 shall be the amounts, not including credit memoranda, collected
18 under this subsection during the second preceding calendar
19 month by the Department, less any amounts determined by the
20 Department to be necessary for the payment of refunds, less 2%
21 of such balance, which sum shall be deposited by the State
22 Treasurer into the Tax Compliance and Administration Fund in
23 the State Treasury from which it shall be appropriated to the
24 Department to cover the costs of the Department in
25 administering and enforcing the provisions of this subsection,
26 and less any amounts that are transferred to the STAR Bonds

1 Revenue Fund. Within 10 days after receipt by the Comptroller
2 of the certification, the Comptroller shall cause the orders to
3 be drawn for the remaining amounts, and the Treasurer shall
4 administer those amounts as required in subsection (g).

5 A certificate of registration issued by the Illinois
6 Department of Revenue to a retailer under the Retailers'
7 Occupation Tax Act shall permit the registrant to engage in a
8 business that is taxed under the tax imposed under this
9 subsection, and no additional registration shall be required
10 under the ordinance imposing the tax or under this subsection.

11 A certified copy of any ordinance imposing or discontinuing
12 any tax under this subsection or effecting a change in the rate
13 of that tax shall be filed with the Department, whereupon the
14 Department shall proceed to administer and enforce this
15 subsection on behalf of the Authority as of the first day of
16 the third calendar month following the date of filing.

17 The tax authorized to be levied under this subsection may
18 be levied within all or any part of the following described
19 portions of the metropolitan area:

20 (1) that portion of the City of Chicago located within
21 the following area: Beginning at the point of intersection
22 of the Cook County - DuPage County line and York Road, then
23 North along York Road to its intersection with Touhy
24 Avenue, then east along Touhy Avenue to its intersection
25 with the Northwest Tollway, then southeast along the
26 Northwest Tollway to its intersection with Lee Street, then

1 south along Lee Street to Higgins Road, then south and east
2 along Higgins Road to its intersection with Mannheim Road,
3 then south along Mannheim Road to its intersection with
4 Irving Park Road, then west along Irving Park Road to its
5 intersection with the Cook County - DuPage County line,
6 then north and west along the county line to the point of
7 beginning; and

8 (2) that portion of the City of Chicago located within
9 the following area: Beginning at the intersection of West
10 55th Street with Central Avenue, then east along West 55th
11 Street to its intersection with South Cicero Avenue, then
12 south along South Cicero Avenue to its intersection with
13 West 63rd Street, then west along West 63rd Street to its
14 intersection with South Central Avenue, then north along
15 South Central Avenue to the point of beginning; and

16 (3) that portion of the City of Chicago located within
17 the following area: Beginning at the point 150 feet west of
18 the intersection of the west line of North Ashland Avenue
19 and the north line of West Diversey Avenue, then north 150
20 feet, then east along a line 150 feet north of the north
21 line of West Diversey Avenue extended to the shoreline of
22 Lake Michigan, then following the shoreline of Lake
23 Michigan (including Navy Pier and all other improvements
24 fixed to land, docks, or piers) to the point where the
25 shoreline of Lake Michigan and the Adlai E. Stevenson
26 Expressway extended east to that shoreline intersect, then

1 west along the Adlai E. Stevenson Expressway to a point 150
2 feet west of the west line of South Ashland Avenue, then
3 north along a line 150 feet west of the west line of South
4 and North Ashland Avenue to the point of beginning.

5 The tax authorized to be levied under this subsection may
6 also be levied on food, alcoholic beverages, and soft drinks
7 sold on boats and other watercraft departing from and returning
8 to the shoreline of Lake Michigan (including Navy Pier and all
9 other improvements fixed to land, docks, or piers) described in
10 item (3).

11 (c) By ordinance the Authority shall, as soon as
12 practicable after the effective date of this amendatory Act of
13 1991, impose an occupation tax upon all persons engaged in the
14 corporate limits of the City of Chicago in the business of
15 renting, leasing, or letting rooms in a hotel, as defined in
16 the Hotel Operators' Occupation Tax Act, at a rate of 2.5% of
17 the gross rental receipts from the renting, leasing, or letting
18 of hotel rooms within the City of Chicago, excluding, however,
19 from gross rental receipts the proceeds of renting, leasing, or
20 letting to permanent residents of a hotel, as defined in that
21 Act. Gross rental receipts shall not include charges that are
22 added on account of the liability arising from any tax imposed
23 by the State or any governmental agency on the occupation of
24 renting, leasing, or letting rooms in a hotel.

25 The tax imposed by the Authority under this subsection and
26 all civil penalties that may be assessed as an incident to that

1 tax shall be collected and enforced by the Illinois Department
2 of Revenue. The certificate of registration that is issued by
3 the Department to a lessor under the Hotel Operators'
4 Occupation Tax Act shall permit that registrant to engage in a
5 business that is taxable under any ordinance enacted under this
6 subsection without registering separately with the Department
7 under that ordinance or under this subsection. The Department
8 shall have full power to administer and enforce this
9 subsection, to collect all taxes and penalties due under this
10 subsection, to dispose of taxes and penalties so collected in
11 the manner provided in this subsection, and to determine all
12 rights to credit memoranda arising on account of the erroneous
13 payment of tax or penalty under this subsection. In the
14 administration of and compliance with this subsection, the
15 Department and persons who are subject to this subsection shall
16 have the same rights, remedies, privileges, immunities,
17 powers, and duties, shall be subject to the same conditions,
18 restrictions, limitations, penalties, and definitions of
19 terms, and shall employ the same modes of procedure as are
20 prescribed in the Hotel Operators' Occupation Tax Act (except
21 where that Act is inconsistent with this subsection), as fully
22 as if the provisions contained in the Hotel Operators'
23 Occupation Tax Act were set out in this subsection.

24 Whenever the Department determines that a refund should be
25 made under this subsection to a claimant instead of issuing a
26 credit memorandum, the Department shall notify the State

1 Comptroller, who shall cause a warrant to be drawn for the
2 amount specified and to the person named in the notification
3 from the Department. The refund shall be paid by the State
4 Treasurer out of the Metropolitan Pier and Exposition Authority
5 trust fund held by the State Treasurer as trustee for the
6 Authority.

7 Persons subject to any tax imposed under the authority
8 granted in this subsection may reimburse themselves for their
9 tax liability for that tax by separately stating that tax as an
10 additional charge, which charge may be stated in combination,
11 in a single amount, with State taxes imposed under the Hotel
12 Operators' Occupation Tax Act, the municipal tax imposed under
13 Section 8-3-13 of the Illinois Municipal Code, and the tax
14 imposed under Section 19 of the Illinois Sports Facilities
15 Authority Act.

16 The person filing the return shall, at the time of filing
17 the return, pay to the Department the amount of tax, less a
18 discount of 2.1% or \$25 per calendar year, whichever is
19 greater, which is allowed to reimburse the operator for the
20 expenses incurred in keeping records, preparing and filing
21 returns, remitting the tax, and supplying data to the
22 Department on request.

23 The Department shall forthwith pay over to the State
24 Treasurer, ex officio, as trustee for the Authority, all taxes
25 and penalties collected under this subsection for deposit into
26 a trust fund held outside the State Treasury. On or before the

1 25th day of each calendar month, the Department shall certify
2 to the Comptroller the amounts to be paid under subsection (g)
3 of this Section, which shall be the amounts (not including
4 credit memoranda) collected under this subsection during the
5 second preceding calendar month by the Department, less any
6 amounts determined by the Department to be necessary for
7 payment of refunds. Within 10 days after receipt by the
8 Comptroller of the Department's certification, the Comptroller
9 shall cause the orders to be drawn for such amounts, and the
10 Treasurer shall administer those amounts as required in
11 subsection (g).

12 A certified copy of any ordinance imposing or discontinuing
13 a tax under this subsection or effecting a change in the rate
14 of that tax shall be filed with the Illinois Department of
15 Revenue, whereupon the Department shall proceed to administer
16 and enforce this subsection on behalf of the Authority as of
17 the first day of the third calendar month following the date of
18 filing.

19 Notwithstanding any other provision of law, the tax is not
20 imposed on the renting, leasing, or letting of hotel rooms to
21 the American Red Cross for the provision or coordination of
22 disaster relief services.

23 (d) By ordinance the Authority shall, as soon as
24 practicable after the effective date of this amendatory Act of
25 1991, impose a tax upon all persons engaged in the business of
26 renting automobiles in the metropolitan area at the rate of 6%

1 of the gross receipts from that business, except that no tax
2 shall be imposed on the business of renting automobiles for use
3 as taxicabs or in livery service. The tax imposed under this
4 subsection and all civil penalties that may be assessed as an
5 incident to that tax shall be collected and enforced by the
6 Illinois Department of Revenue. The certificate of
7 registration issued by the Department to a retailer under the
8 Retailers' Occupation Tax Act or under the Automobile Renting
9 Occupation and Use Tax Act shall permit that person to engage
10 in a business that is taxable under any ordinance enacted under
11 this subsection without registering separately with the
12 Department under that ordinance or under this subsection. The
13 Department shall have full power to administer and enforce this
14 subsection, to collect all taxes and penalties due under this
15 subsection, to dispose of taxes and penalties so collected in
16 the manner provided in this subsection, and to determine all
17 rights to credit memoranda arising on account of the erroneous
18 payment of tax or penalty under this subsection. In the
19 administration of and compliance with this subsection, the
20 Department and persons who are subject to this subsection shall
21 have the same rights, remedies, privileges, immunities,
22 powers, and duties, be subject to the same conditions,
23 restrictions, limitations, penalties, and definitions of
24 terms, and employ the same modes of procedure as are prescribed
25 in Sections 2 and 3 (in respect to all provisions of those
26 Sections other than the State rate of tax; and in respect to

1 the provisions of the Retailers' Occupation Tax Act referred to
2 in those Sections, except as to the disposition of taxes and
3 penalties collected, except for the provision allowing
4 retailers a deduction from the tax to cover certain costs, and
5 except that credit memoranda issued under this subsection may
6 not be used to discharge any State tax liability) of the
7 Automobile Renting Occupation and Use Tax Act, as fully as if
8 provisions contained in those Sections of that Act were set
9 forth in this subsection.

10 Persons subject to any tax imposed under the authority
11 granted in this subsection may reimburse themselves for their
12 tax liability under this subsection by separately stating that
13 tax as an additional charge, which charge may be stated in
14 combination, in a single amount, with State tax that sellers
15 are required to collect under the Automobile Renting Occupation
16 and Use Tax Act, pursuant to bracket schedules as the
17 Department may prescribe.

18 Whenever the Department determines that a refund should be
19 made under this subsection to a claimant instead of issuing a
20 credit memorandum, the Department shall notify the State
21 Comptroller, who shall cause a warrant to be drawn for the
22 amount specified and to the person named in the notification
23 from the Department. The refund shall be paid by the State
24 Treasurer out of the Metropolitan Pier and Exposition Authority
25 trust fund held by the State Treasurer as trustee for the
26 Authority.

1 The Department shall forthwith pay over to the State
2 Treasurer, ex officio, as trustee, all taxes and penalties
3 collected under this subsection for deposit into a trust fund
4 held outside the State Treasury. On or before the 25th day of
5 each calendar month, the Department shall certify to the
6 Comptroller the amounts to be paid under subsection (g) of this
7 Section (not including credit memoranda) collected under this
8 subsection during the second preceding calendar month by the
9 Department, less any amount determined by the Department to be
10 necessary for payment of refunds. Within 10 days after receipt
11 by the Comptroller of the Department's certification, the
12 Comptroller shall cause the orders to be drawn for such
13 amounts, and the Treasurer shall administer those amounts as
14 required in subsection (g).

15 Nothing in this subsection authorizes the Authority to
16 impose a tax upon the privilege of engaging in any business
17 that under the Constitution of the United States may not be
18 made the subject of taxation by this State.

19 A certified copy of any ordinance imposing or discontinuing
20 a tax under this subsection or effecting a change in the rate
21 of that tax shall be filed with the Illinois Department of
22 Revenue, whereupon the Department shall proceed to administer
23 and enforce this subsection on behalf of the Authority as of
24 the first day of the third calendar month following the date of
25 filing.

26 (e) By ordinance the Authority shall, as soon as

1 practicable after the effective date of this amendatory Act of
2 1991, impose a tax upon the privilege of using in the
3 metropolitan area an automobile that is rented from a rentor
4 outside Illinois and is titled or registered with an agency of
5 this State's government at a rate of 6% of the rental price of
6 that automobile, except that no tax shall be imposed on the
7 privilege of using automobiles rented for use as taxicabs or in
8 livery service. The tax shall be collected from persons whose
9 Illinois address for titling or registration purposes is given
10 as being in the metropolitan area. The tax shall be collected
11 by the Department of Revenue for the Authority. The tax must be
12 paid to the State or an exemption determination must be
13 obtained from the Department of Revenue before the title or
14 certificate of registration for the property may be issued. The
15 tax or proof of exemption may be transmitted to the Department
16 by way of the State agency with which or State officer with
17 whom the tangible personal property must be titled or
18 registered if the Department and that agency or State officer
19 determine that this procedure will expedite the processing of
20 applications for title or registration.

21 The Department shall have full power to administer and
22 enforce this subsection, to collect all taxes, penalties, and
23 interest due under this subsection, to dispose of taxes,
24 penalties, and interest so collected in the manner provided in
25 this subsection, and to determine all rights to credit
26 memoranda or refunds arising on account of the erroneous

1 payment of tax, penalty, or interest under this subsection. In
2 the administration of and compliance with this subsection, the
3 Department and persons who are subject to this subsection shall
4 have the same rights, remedies, privileges, immunities,
5 powers, and duties, be subject to the same conditions,
6 restrictions, limitations, penalties, and definitions of
7 terms, and employ the same modes of procedure as are prescribed
8 in Sections 2 and 4 (except provisions pertaining to the State
9 rate of tax; and in respect to the provisions of the Use Tax
10 Act referred to in that Section, except provisions concerning
11 collection or refunding of the tax by retailers, except the
12 provisions of Section 19 pertaining to claims by retailers,
13 except the last paragraph concerning refunds, and except that
14 credit memoranda issued under this subsection may not be used
15 to discharge any State tax liability) of the Automobile Renting
16 Occupation and Use Tax Act, as fully as if provisions contained
17 in those Sections of that Act were set forth in this
18 subsection.

19 Whenever the Department determines that a refund should be
20 made under this subsection to a claimant instead of issuing a
21 credit memorandum, the Department shall notify the State
22 Comptroller, who shall cause a warrant to be drawn for the
23 amount specified and to the person named in the notification
24 from the Department. The refund shall be paid by the State
25 Treasurer out of the Metropolitan Pier and Exposition Authority
26 trust fund held by the State Treasurer as trustee for the

1 Authority.

2 The Department shall forthwith pay over to the State
3 Treasurer, ex officio, as trustee, all taxes, penalties, and
4 interest collected under this subsection for deposit into a
5 trust fund held outside the State Treasury. On or before the
6 25th day of each calendar month, the Department shall certify
7 to the State Comptroller the amounts to be paid under
8 subsection (g) of this Section, which shall be the amounts (not
9 including credit memoranda) collected under this subsection
10 during the second preceding calendar month by the Department,
11 less any amounts determined by the Department to be necessary
12 for payment of refunds. Within 10 days after receipt by the
13 State Comptroller of the Department's certification, the
14 Comptroller shall cause the orders to be drawn for such
15 amounts, and the Treasurer shall administer those amounts as
16 required in subsection (g).

17 A certified copy of any ordinance imposing or discontinuing
18 a tax or effecting a change in the rate of that tax shall be
19 filed with the Illinois Department of Revenue, whereupon the
20 Department shall proceed to administer and enforce this
21 subsection on behalf of the Authority as of the first day of
22 the third calendar month following the date of filing.

23 (f) By ordinance the Authority shall, as soon as
24 practicable after the effective date of this amendatory Act of
25 1991, impose an occupation tax on all persons, other than a
26 governmental agency, engaged in the business of providing

1 ground transportation for hire to passengers in the
2 metropolitan area at a rate of (i) \$4 per taxi or livery
3 vehicle departure with passengers for hire from commercial
4 service airports in the metropolitan area, (ii) for each
5 departure with passengers for hire from a commercial service
6 airport in the metropolitan area in a bus or van operated by a
7 person other than a person described in item (iii): \$18 per bus
8 or van with a capacity of 1-12 passengers, \$36 per bus or van
9 with a capacity of 13-24 passengers, and \$54 per bus or van
10 with a capacity of over 24 passengers, and (iii) for each
11 departure with passengers for hire from a commercial service
12 airport in the metropolitan area in a bus or van operated by a
13 person regulated by the Interstate Commerce Commission or
14 Illinois Commerce Commission, operating scheduled service from
15 the airport, and charging fares on a per passenger basis: \$2
16 per passenger for hire in each bus or van. The term "commercial
17 service airports" means those airports receiving scheduled
18 passenger service and enplaning more than 100,000 passengers
19 per year.

20 In the ordinance imposing the tax, the Authority may
21 provide for the administration and enforcement of the tax and
22 the collection of the tax from persons subject to the tax as
23 the Authority determines to be necessary or practicable for the
24 effective administration of the tax. The Authority may enter
25 into agreements as it deems appropriate with any governmental
26 agency providing for that agency to act as the Authority's

1 agent to collect the tax.

2 In the ordinance imposing the tax, the Authority may
3 designate a method or methods for persons subject to the tax to
4 reimburse themselves for the tax liability arising under the
5 ordinance (i) by separately stating the full amount of the tax
6 liability as an additional charge to passengers departing the
7 airports, (ii) by separately stating one-half of the tax
8 liability as an additional charge to both passengers departing
9 from and to passengers arriving at the airports, or (iii) by
10 some other method determined by the Authority.

11 All taxes, penalties, and interest collected under any
12 ordinance adopted under this subsection, less any amounts
13 determined to be necessary for the payment of refunds and less
14 the taxes, penalties, and interest attributable to any increase
15 in the rate of tax authorized by Public Act 96-898, shall be
16 paid forthwith to the State Treasurer, ex officio, for deposit
17 into a trust fund held outside the State Treasury and shall be
18 administered by the State Treasurer as provided in subsection
19 (g) of this Section. All taxes, penalties, and interest
20 attributable to any increase in the rate of tax authorized by
21 Public Act 96-898 shall be paid by the State Treasurer as
22 follows: 25% for deposit into the Convention Center Support
23 Fund, to be used by the Village of Rosemont for the repair,
24 maintenance, and improvement of the Donald E. Stephens
25 Convention Center and for debt service on debt instruments
26 issued for those purposes by the village and 75% to the

1 Authority to be used for grants to an organization meeting the
2 qualifications set out in Section 5.6 of this Act, provided the
3 Metropolitan Pier and Exposition Authority has entered into a
4 marketing agreement with such an organization.

5 (g) Amounts deposited from the proceeds of taxes imposed by
6 the Authority under subsections (b), (c), (d), (e), and (f) of
7 this Section and amounts deposited under Section 19 of the
8 Illinois Sports Facilities Authority Act shall be held in a
9 trust fund outside the State Treasury and shall be administered
10 by the Treasurer as follows:

11 (1) An amount necessary for the payment of refunds with
12 respect to those taxes shall be retained in the trust fund
13 and used for those payments.

14 (2) On July 20 and on the 20th of each month
15 thereafter, provided that the amount requested in the
16 annual certificate of the Chairman of the Authority filed
17 under Section 8.25f of the State Finance Act has been
18 appropriated for payment to the Authority, 1/8 of the local
19 tax transfer amount, together with any cumulative
20 deficiencies in the amounts transferred into the McCormick
21 Place Expansion Project Fund under this subparagraph (2)
22 during the fiscal year for which the certificate has been
23 filed, shall be transferred from the trust fund into the
24 McCormick Place Expansion Project Fund in the State
25 treasury until 100% of the local tax transfer amount has
26 been so transferred. "Local tax transfer amount" shall mean

1 the amount requested in the annual certificate, minus the
2 reduction amount. "Reduction amount" shall mean \$41.7
3 million in fiscal year 2011, \$36.7 million in fiscal year
4 2012, \$36.7 million in fiscal year 2013, \$36.7 million in
5 fiscal year 2014, and \$31.7 million in each fiscal year
6 thereafter until 2032, provided that the reduction amount
7 shall be reduced by (i) the amount certified by the
8 Authority to the State Comptroller and State Treasurer
9 under Section 8.25 of the State Finance Act, as amended,
10 with respect to that fiscal year and (ii) in any fiscal
11 year in which the amounts deposited in the trust fund under
12 this Section exceed \$318.3 million, exclusive of amounts
13 set aside for refunds and for the reserve account, one
14 dollar for each dollar of the deposits in the trust fund
15 above \$318.3 million with respect to that year, exclusive
16 of amounts set aside for refunds and for the reserve
17 account.

18 (3) On July 20, 2010, the Comptroller shall certify to
19 the Governor, the Treasurer, and the Chairman of the
20 Authority the 2010 deficiency amount, which means the
21 cumulative amount of transfers that were due from the trust
22 fund to the McCormick Place Expansion Project Fund in
23 fiscal years 2008, 2009, and 2010 under Section 13(g) of
24 this Act, as it existed prior to May 27, 2010 (the
25 effective date of Public Act 96-898), but not made. On July
26 20, 2011 and on July 20 of each year through July 20, 2014,

1 the Treasurer shall calculate for the previous fiscal year
2 the surplus revenues in the trust fund and pay that amount
3 to the Authority. On July 20, 2015 and on July 20 of each
4 year thereafter, as long as bonds and notes issued under
5 Section 13.2 or bonds and notes issued to refund those
6 bonds and notes are outstanding, the Treasurer shall
7 calculate for the previous fiscal year the surplus revenues
8 in the trust fund and pay one-half of that amount to the
9 State Treasurer for deposit into the General Revenue Fund
10 until the 2010 deficiency amount has been paid and shall
11 pay the balance of the surplus revenues to the Authority.
12 "Surplus revenues" means the amounts remaining in the trust
13 fund on June 30 of the previous fiscal year (A) after the
14 State Treasurer has set aside in the trust fund (i) amounts
15 retained for refunds under subparagraph (1) and (ii) any
16 amounts necessary to meet the reserve account amount and
17 (B) after the State Treasurer has transferred from the
18 trust fund to the General Revenue Fund 100% of any
19 post-2010 deficiency amount. "Reserve account amount"
20 means \$15 million in fiscal year 2011 and \$30 million in
21 each fiscal year thereafter. The reserve account amount
22 shall be set aside in the trust fund and used as a reserve
23 to be transferred to the McCormick Place Expansion Project
24 Fund in the event the proceeds of taxes imposed under this
25 Section 13 are not sufficient to fund the transfer required
26 in subparagraph (2). "Post-2010 deficiency amount" means

1 any deficiency in transfers from the trust fund to the
2 McCormick Place Expansion Project Fund with respect to
3 fiscal years 2011 and thereafter. It is the intention of
4 this subparagraph (3) that no surplus revenues shall be
5 paid to the Authority with respect to any year in which a
6 post-2010 deficiency amount has not been satisfied by the
7 Authority.

8 Moneys received by the Authority as surplus revenues may be
9 used (i) for the purposes of paying debt service on the bonds
10 and notes issued by the Authority, including early redemption
11 of those bonds or notes, (ii) for the purposes of repair,
12 replacement, and improvement of the grounds, buildings, and
13 facilities of the Authority, and (iii) for the corporate
14 purposes of the Authority in fiscal years 2011 through 2015 in
15 an amount not to exceed \$20,000,000 annually or \$80,000,000
16 total, which amount shall be reduced \$0.75 for each dollar of
17 the receipts of the Authority in that year from any contract
18 entered into with respect to naming rights at McCormick Place
19 under Section 5(m) of this Act. When bonds and notes issued
20 under Section 13.2, or bonds or notes issued to refund those
21 bonds and notes, are no longer outstanding, the balance in the
22 trust fund shall be paid to the Authority.

23 (h) The ordinances imposing the taxes authorized by this
24 Section shall be repealed when bonds and notes issued under
25 Section 13.2 or bonds and notes issued to refund those bonds
26 and notes are no longer outstanding.

1 (Source: P.A. 96-898, eff. 5-27-10; 96-939, eff. 6-24-10;
2 97-333, eff. 8-12-11; revised 8-3-12.)

3 Section 25. The Illinois Sports Facilities Authority Act is
4 amended by changing Section 19 as follows:

5 (70 ILCS 3205/19) (from Ch. 85, par. 6019)

6 Sec. 19. Tax. The Authority may impose an occupation tax
7 upon all persons engaged in the City of Chicago in the business
8 of renting, leasing or letting rooms in a hotel, as defined in
9 The Hotel Operators' Occupation Tax Act, at a rate not to
10 exceed 2% of the gross rental receipts from the renting,
11 leasing or letting of hotel rooms located within the City of
12 Chicago, excluding, however, from gross rental receipts, the
13 proceeds of such renting, leasing or letting to permanent
14 residents of that hotel and proceeds from the tax imposed under
15 subsection (c) of Section 13 of the Metropolitan Pier and
16 Exposition Authority Act.

17 The tax imposed by the Authority pursuant to this Section
18 and all civil penalties that may be assessed as an incident
19 thereof shall be collected and enforced by the State Department
20 of Revenue. The certificate of registration which is issued by
21 the Department to a lessor under The Hotel Operators'
22 Occupation Tax Act shall permit such registrant to engage in a
23 business which is taxable under any ordinance or resolution
24 enacted pursuant to this Section without registering

1 separately with the Department under such ordinance or
2 resolution or under this Section. The Department shall have
3 full power to administer and enforce this Section; to collect
4 all taxes and penalties due hereunder; to dispose of taxes and
5 penalties so collected in the manner provided in this Section,
6 and to determine all rights to credit memoranda, arising on
7 account of the erroneous payment of tax or penalty hereunder.
8 In the administration of, and compliance with, this Section,
9 the Department and persons who are subject to this Section
10 shall have the same rights, remedies, privileges, immunities,
11 powers and duties, and be subject to the same conditions,
12 restrictions, limitations, penalties and definitions of terms,
13 and employ the same modes of procedure, as are prescribed in
14 The Hotel Operators' Occupation Tax Act (except where that Act
15 is inconsistent herewith), as the same is now or may hereafter
16 be amended, as fully as if the provisions contained in The
17 Hotel Operators' Occupation Tax Act were set forth herein.

18 Whenever the Department determines that a refund should be
19 made under this Section to a claimant instead of issuing a
20 credit memorandum, the Department shall notify the State
21 Comptroller, who shall cause the warrant to be drawn for the
22 amount specified, and to the person named, in such notification
23 from the Department. Such refund shall be paid by the State
24 Treasurer out of the amounts held by the State Treasurer as
25 trustee for the Authority.

26 Persons subject to any tax imposed pursuant to authority

1 granted by this Section may reimburse themselves for their tax
2 liability for such tax by separately stating such tax as an
3 additional charge, which charge may be stated in combination,
4 in a single amount, with State tax imposed under The Hotel
5 Operators' Occupation Tax Act, the municipal tax imposed under
6 Section 8-3-13 of the Illinois Municipal Code, and the tax
7 imposed under Section 13 of the Metropolitan Pier and
8 Exposition Authority Act.

9 The Department shall forthwith pay over to the State
10 Treasurer, ex-officio, as trustee for the Authority, all taxes
11 and penalties collected hereunder for deposit in a trust fund
12 outside the State Treasury. On or before the 25th day of each
13 calendar month, the Department shall certify to the Comptroller
14 the amount to be paid to or on behalf of the Authority from
15 amounts collected hereunder by the Department, and deposited
16 into such trust fund during the second preceding calendar
17 month. The amount to be paid to or on behalf of the Authority
18 shall be the amount (not including credit memoranda) collected
19 hereunder during such second preceding calendar month by the
20 Department, less an amount equal to the amount of refunds
21 authorized during such second preceding calendar month by the
22 Department on behalf of the Authority, and less 4% of such
23 balance, which sum shall be retained by the State Treasurer to
24 cover the costs incurred by the Department in administering and
25 enforcing the provisions of this Section, as provided herein.
26 Each such monthly certification by the Department shall also

1 certify to the Comptroller the amount to be so retained by the
2 State Treasurer for payment into the General Revenue Fund of
3 the State Treasury.

4 Each monthly certification by the Department shall
5 certify, of the amount paid to or on behalf of the Authority,
6 (i) the portion to be paid to the Authority, (ii) the portion
7 to be paid into the General Revenue Fund of the State Treasury
8 on behalf of the Authority as repayment of amounts advanced to
9 the Authority pursuant to appropriation from the Illinois
10 Sports Facilities Fund.

11 With respect to each State fiscal year, of the total amount
12 to be paid to or on behalf of the Authority, the Department
13 shall certify that payments shall first be made directly to the
14 Authority in an amount equal to any difference between the
15 annual amount certified by the Chairman of the Authority
16 pursuant to Section 8.25-4 of the State Finance Act and the
17 amount appropriated to the Authority from the Illinois Sports
18 Facilities Fund. Next, the Department shall certify that
19 payment shall be made into the General Revenue Fund of the
20 State Treasury in an amount equal to the difference between (i)
21 the lesser of (x) the amount appropriated from the Illinois
22 Sports Facilities Fund to the Authority and (y) the annual
23 amount certified by the Chairman of the Authority pursuant to
24 Section 8.25-4 of the State Finance Act and (ii) \$10,000,000.
25 The Department shall certify that all additional amounts shall
26 be paid to the Authority and used for its corporate purposes.

1 Within 10 days after receipt, by the Comptroller, of the
2 Department's monthly certification of amounts to be paid to or
3 on behalf of the Authority and amounts to be paid into the
4 General Revenue Fund, the Comptroller shall cause the warrants
5 to be drawn for the respective amounts in accordance with the
6 directions contained in such certification.

7 Amounts collected by the Department and paid to the
8 Authority pursuant to this Section shall be used for the
9 corporate purposes of the Authority. On June 15, 1992 and on
10 each June 15 thereafter, the Authority shall repay to the State
11 Treasurer all amounts paid to it under this Section and
12 otherwise remaining available to the Authority after providing
13 for (i) payment of principal and interest on, and other
14 payments related to, its obligations issued or to be issued
15 under Section 13 of the Act, including any deposits required to
16 reserve funds created under any indenture or resolution
17 authorizing issuance of the obligations and payments to
18 providers of credit enhancement, (ii) payment of obligations
19 under the provisions of any management agreement with respect
20 to a facility or facilities owned by the Authority or of any
21 assistance agreement with respect to any facility for which
22 financial assistance is provided under this Act, and payment of
23 other capital and operating expenses of the Authority,
24 including any deposits required to reserve funds created for
25 repair and replacement of capital assets and to meet the
26 obligations of the Authority under any management agreement or

1 assistance agreement. Amounts repaid by the Authority to the
2 State Treasurer hereunder shall be treated as repayment of
3 amounts deposited into the Illinois Sports Facilities Fund and
4 credited to the Subsidy Account and used for the corporate
5 purposes of the Authority. The State Treasurer shall deposit
6 \$5,000,000 of the amount received into the General Revenue
7 Fund; thereafter, at the beginning of each fiscal year the
8 State Treasurer shall certify to the State Comptroller for all
9 prior fiscal years the cumulative amount of any deficiencies in
10 repayments to the City of Chicago of amounts in the Local
11 Government Distributive Fund that would otherwise have been
12 allocated to the City of Chicago under the State Revenue
13 Sharing Act but instead were paid into the General Revenue Fund
14 under Section 6 of the Hotel Operators' Occupation Tax Act and
15 that have not been reimbursed, and the Comptroller shall,
16 during the fiscal year at the beginning of which the
17 certification was made, cause warrants to be drawn from the
18 amount received for the repayment of that cumulative amount to
19 the City of Chicago until that cumulative amount has been fully
20 reimbursed; thereafter, the State Treasurer shall deposit the
21 balance of the amount received into the trust fund established
22 outside the State Treasury under subsection (g) of Section 13
23 of the Metropolitan Pier and Exposition Authority Act.

24 Nothing in this Section shall be construed to authorize the
25 Authority to impose a tax upon the privilege of engaging in any
26 business which under the constitution of the United States may

1 not be made the subject of taxation by this State.

2 An ordinance or resolution imposing or discontinuing a tax
3 hereunder or effecting a change in the rate thereof shall be
4 effective on the first day of the second calendar month next
5 following the month in which the ordinance or resolution is
6 passed.

7 If the Authority levies a tax authorized by this Section it
8 shall transmit to the Department of Revenue not later than 5
9 days after the adoption of the ordinance or resolution a
10 certified copy of the ordinance or resolution imposing such tax
11 whereupon the Department of Revenue shall proceed to administer
12 and enforce this Section on behalf of the Authority. Upon a
13 change in rate of a tax levied hereunder, or upon the
14 discontinuance of the tax, the Authority shall not later than 5
15 days after the effective date of the ordinance or resolution
16 discontinuing the tax or effecting a change in rate transmit to
17 the Department of Revenue a certified copy of the ordinance or
18 resolution effecting such change or discontinuance.

19 Notwithstanding any other provision of law, the tax is not
20 imposed on the renting or leasing of hotel rooms by the
21 American Red Cross for the provision or coordination of
22 disaster relief services.

23 (Source: P.A. 91-935, eff. 6-1-01.)

24 Section 30. The Downstate Illinois Sports Facilities
25 Authority Act is amended by changing Section 105 as follows:

1 (70 ILCS 3210/105)

2 Sec. 105. Tax. The Authority may impose an occupation tax
3 upon all persons engaged in the business of renting, leasing,
4 or letting rooms in a hotel, as defined in the Hotel Operators'
5 Occupation Tax Act, at a rate not to exceed 2% of the gross
6 rental receipts from the renting, leasing or letting of hotel
7 rooms. The taxing may be imposed, however, only if approved by
8 ordinance of the municipality within which the tax is to be
9 imposed.

10 The tax imposed by the Authority pursuant to this Section
11 and all civil penalties that may be assessed as an incident
12 thereof shall be collected and enforced by the State Department
13 of Revenue. The certificate of registration which is issued by
14 the Department to a lessor under the Hotel Operators'
15 Occupation Tax Act shall permit such registrant to engage in a
16 business which is taxable under any ordinance or resolution
17 enacted pursuant to this Section without registering
18 separately with the Department under such ordinance or
19 resolution or under this Section. The Department shall have
20 full power to administer and enforce this Section; to collect
21 all taxes and penalties due hereunder; to dispose of taxes and
22 penalties so collected in the manner provided in this Section,
23 and to determine all rights to credit memoranda, arising on
24 account of the erroneous payment of tax or penalty hereunder.
25 In the administration of, and compliance with, this Section,

1 the Department and persons who are subject to this Section
2 shall have the same rights, remedies, privileges, immunities,
3 powers and duties, and be subject to the same conditions,
4 restrictions, limitations, penalties and definitions of terms,
5 and employ the same modes of procedure, as are prescribed in
6 the Hotel Operators' Occupation Tax Act (except where that Act
7 is inconsistent herewith), as the same is now or may hereafter
8 be amended, as fully as if the provisions contained in the
9 Hotel Operators' Occupation Tax Act were set forth herein.

10 Whenever the Department determines that a refund should be
11 made under this Section to a claimant instead of issuing a
12 credit memorandum, the Department shall notify the State
13 Comptroller, who shall cause the warrant to be drawn for the
14 amount specified, and to the person named, in such notification
15 from the Department. Such refund shall be paid by the State
16 Treasurer out of the amounts held by the State Treasurer as
17 trustee for the Authority.

18 Persons subject to any tax imposed pursuant to authority
19 granted by this Section may reimburse themselves for their tax
20 liability for such tax by separately stating such tax as an
21 additional charge, which charge may be stated in combination,
22 in a single amount, with State tax imposed under the Hotel
23 Operators' Occupation Tax Act.

24 The Department shall forthwith pay over to the State
25 Treasurer, ex-officio, as trustee for the Authority, all taxes
26 and penalties collected hereunder for deposit in a trust fund

1 outside the State Treasury. On or before the 25th day of each
2 calendar month, the Department shall certify to the Comptroller
3 the amount to be paid to or on behalf of the Authority from
4 amounts collected hereunder by the Department, and deposited
5 into such trust fund during the second preceding calendar
6 month. The amount to be paid to or on behalf of the Authority
7 shall be the amount (not including credit memoranda) collected
8 hereunder during such second preceding calendar month by the
9 Department, less an amount equal to the amount of refunds
10 authorized during such second preceding calendar month by the
11 Department on behalf of the Authority, and less 4% of such
12 balance, which sum shall be retained by the State Treasurer to
13 cover the costs incurred by the Department in administering and
14 enforcing the provisions of this Section, as provided herein.
15 Each such monthly certification by the Department shall also
16 certify to the Comptroller the amount to be so retained by the
17 State Treasurer for payment into the General Revenue Fund of
18 the State Treasury.

19 Amounts collected by the Department and paid to the
20 Authority pursuant to this Section shall be used for the
21 corporate purposes of the Authority.

22 Nothing in this Section shall be construed to authorize the
23 Authority to impose a tax upon the privilege of engaging in any
24 business which under the constitution of the United States may
25 not be made the subject of taxation by this State.

26 An ordinance or resolution imposing or discontinuing a tax

1 hereunder or effecting a change in the rate thereof shall be
2 effective on the first day of the second calendar month next
3 following the month in which the ordinance or resolution is
4 passed.

5 If the Authority levies a tax authorized by this Section it
6 shall transmit to the Department of Revenue not later than 5
7 days after the adoption of the ordinance or resolution a
8 certified copy of the ordinance or resolution imposing such tax
9 whereupon the Department of Revenue shall proceed to administer
10 and enforce this Section on behalf of the Authority. Upon a
11 change in rate of a tax levied hereunder, or upon the
12 discontinuance of the tax, the Authority shall not later than 5
13 days after the effective date of the ordinance or resolution
14 discontinuing the tax or effecting a change in rate transmit to
15 the Department of Revenue a certified copy of the ordinance or
16 resolution effecting such change or discontinuance.

17 Notwithstanding any other provision of law, the tax is not
18 imposed on the renting or leasing of hotel rooms by the
19 American Red Cross for the provision or coordination of
20 disaster relief services.

21 (Source: P.A. 93-227, eff. 1-1-04.)